



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 31 जुलाई, 2006/9 श्रावण, 1928

हिमाचल प्रदेश सरकार

Guidelines regarding compounding of Un-authorised buildings in Mohal Fataichi falling under Ghanahatti Special Area in relaxation to the Rules framed under Section-39 (C) of the H. P. Town and Country Planning Act, 1977, and Section 19-E of the H. P. Town and Country Planning Rules, 1978 as one time relaxation in the public interest.

(A) Basic Parameters :

- (1) The buildings constructed up to 31-12-2005 in Mohal Fataichi, Hadbast No. 4/63 falling under Ghanahatti Special Area are to be considered for allowing compounding.
- (2) Compounding shall be allowed, subject to availability of workable set backs for basic amenities like lying of sewerage, water, drainage, electricity and approach path to the building by the applicant.

(B) Authority allowing compounding :

The Chairman of Special Area Development Authority Ghanahatti shall allow the compounding.

(C) Mode of application :

Owners of the building, who are interested in getting their buildings compounded must apply on prescribed proforma to the competent authority *i. e.* Chairman of Special Area Development Authority Ghanahatti on or before 30-9-2006. The application must be made in accordance with the following terms and conditions:—

- (i) A bank draft of Rs. 100/- payable in the name of Chairman of Ghanahatti Special Area Development Authority at the time of submission of application.
- (ii) The applicant will submit two photographs of his building clearly showing number of Storeys alongwith Tatima, Jamabandi and copy of Sale deed.
- (iii) No demarcation will be necessary unless the building is constructed along National Highway or is abutting the Govt. land. However, in other cases the applicant will have to submit an affidavit that he has constructed his house on his own land and has not encroached upon any Govt./others land.
- (iv) For setbacks workable space should be allowed.
- (v) Single line plan of the each floor with cross section of the building alongwith site plan clearly showing boundary line of ownership as per Tatima.
- (vi) Regarding laying of pipelines of water, sewerage drainage, electricity poles/connections etc. the applicants will have to provide enough space so that these facilities could be provided to them. For these facilities, the owner of the building shall submit an affidavit for providing the space. Format of affidavit is enclosed. NOC for water, electricity and sewerage will be issued immediately after compounding on the receipt of application for releasing of water, electricity and sewerage connections. The applicant will also have to deposit a sum of Rs. 500/- per connection for providing water, electricity and sewerage connections. No NOC will be issued where the owner has encroached upon the neighbours or Government land.

(D) Development Fund :

- (i) A Development fund shall be created (if not already created) which is to be managed by the Member Secretary of the Special Area Development Authority.
- (ii) Every applicant shall contribute towards the Development Fund as per the rates prescribed under these guidelines.
- (iii) Member Secretaries of concerned Special Area Development Authorities shall maintain proper records of compounding and the amount collected under these guidelines.
- (iv) The Development Fund shall be used for the development work within the Area of concerned Special Area Development Authority from where the same is collected. The fund may also be used for the demolition of the unauthorized construction, which shall remain uncompounded under these guidelines.

(E) Offences/Deviations eligible for consideration for compounding :

- (i) Building(s) which have been constructed up to four Storeys without prior approval of the Department/Authority in violation of the H. P. Town and Country Planning Act, 1977, H P Town and Country Planning Rules, 1978 and Interim Development Plan for Shimla Planning Area Regulations and also such building which ^{up to} have been constructed in contravention of the approved plans, up to four Storeys shall be considered for regularization/retention.
- (ii) Buildings constructed without/with approval and consisting of two Storeys beyond the admissible limit under the IDP regulations irrespective of FAR shall also be considered for regularization/retention. For the purpose of counting of number of Storeys, basement and attic shall be considered as independent Storey.
- (iii) Charges for regularisation shall be as under :

(a) For Development Fund	Rs. 2500/- in lump sum
(b) Regularisation charges for first Storey	Rs. 2500/- -do-
(c) Regularisation charges for second Storey	Rs. 3500/- -do-
(d) Regularisation charges for third Storey	Rs. 4500/- -do-
(e) Regularisation charges for fourth Storey	Rs. 5500/- .do-
(f) DF charges for fifth Storey	@ Rs. 250/- per sqm. for whole covered area at that floor.
(g) DF charges for sixth Storey	@ Rs. 500/- per sqm for whole covered area at that floor.

(F) Penalty/contribution towards Development Fund :

Every applicant shall have to contribute compounding fee towards the Development Fund at following rates :

- a) Compounding fee for the deviations/offences under para (E) (i) and (ii) where regularisation is allowed, except the regularisation fee, the owner of the building should contribute towards Development Fund @ Rs. 2500/-.
- b) Compounding fee for the deviation/offences under para (E) (ii) @ of Rs. 250/- per Sq. mts. and @ of Rs. 500/- per Sq. mts as indicated in clause (f) and (g) sub-para (iii) of para (E) supra.

(G) Other points :

- (a) The competent authority of Special Area Development Authority will prepare its own guidelines with the approval of the State Government for Management of the Development Fund including defining authorities for giving financial sanctions and for operating account. Salaries of staff will not be charged to the Development fund. A separate flying squad/demolition squad would be created with the permission of the Government. No vehicles will be purchased from this fund.
- b) The Special Area Development Authority shall decide all the cases received up to 30-9-2006 by 31-12-2006.

**PROFORMA OF APPLICATION FOR COMPOUNDING OF UN-AUTHORISED
CONSTRUCTIONS IN GHANAHATI SPECIAL AREAS**

No.

Dated :

From

.....

To

.....

Sir,

I/We beg to apply for regularisation of my/our structure under Retention Policy, likely to be brought by the Government, information and documents for which are as under :—

1. Name (In Block Letters).....
2. Father/Husband's Name.....
3. Khasra No. of Plot Khata/Khatauni.....
4. Village/Mohal/Mauza.....
5. Locality/Mohalla/Ward No.....
6. Any other specification of location.....
7. Size of Plot.....in metres
8. Year of purchase of plot.....
9. Detail of encroachment detected by revenue authority or Town and Country planning Department, if any or required to be regularised under present.....policy
10. Month and Year of completion of structure for which regularisation is sought

11. Present use of building storey wise :—

<i>Storey wise detail</i>	<i>Use of the particular storey</i>
1st Storey
2nd Storey
3rd Storey
4th Storey
5th Storey
6th Storey

Any more information pertaining to storeys.

12. I/We attach herewith the following documents namely :—

- (i) Four photographs of building clearly showing number of storeys from four sides alongwith latest Tatima, Jamabandi and copy of sale deed.
- (ii) Affidavit that constructed house is on his own land, no encroachment upon any Government/Others land has been made and will not indulge in unauthorised construction after making the application for regularisation.
- (iii) Single Line Plan (in the scale of 1:100) of the each storey alongwith location plan and site plan (1:200 scale) clearly showing boundary line of ownership as per Tatima.

Yours faithfully,

Signature of applicant(s).....

Correspondence address :

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AFFIDAVIT

Regarding laying of pipe lines for water, sewerage pipe line and Electricity thereof

I,.....s/o.....
Age.....years, r/o.....
District.....H. P. do
 solemnly affirm and declare as under :—

1. That single line building plan submitted is true to dimensions in respect of built up area.....sqm. and has.....

storeys building situated at.....within the jurisdiction of Special Area Development Authority..... under the existing guidelines of the Government.

2. That I am the sole owner of plot at Khasra No.....on which I have constructed.....storeys buildings consisting corridor and built up area.
3. That I shall provide requisite land area free of cost to the municipal authorities etc. etc. for basic amenities like laying of sewerage/ drainage/drinking water pipe lines etc. including common approach path to the building.
4. That in case of my default to provide necessary space as and when demanded for the required civic amenities, the Special Area Development Authority shall be at liberty to withdraw said NOC/disconnect my water and electricity connection etc.

Deponent.

VERIFICATION

I the above named deponent do hereby verify that the contents of above affidavit are true and correct and nothing has been concealed therefrom.

Verified at Shimla this.....day of.....2006.

Deponent.